

10/10/01

## UTILITY

PATENT APPLICATION  
TRANSMITTAL

(Only for nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

500582.12

October 10, 2001

First Inventor or Application Identifier

Jerry S. Powell

Title

HUMAN ERYTHROPOIETIN GENE: HIGH LEVEL EXPRESSION IN STABLE  
TRANSFECTED MAMMALIAN CELLS

Express Mail Label No.

EL 872037917 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Box Patent Application  
Commissioner of Patents  
Washington, D.C. 202311. ☒ Fee Transmittal Sheet  
(Submit an original and a duplicate for fee processing)2. ☒ Applicant(s) Claim(s) Small Entity Status3. ☒ Specification [Total Pages] **14**  
(preferred arrangement set forth below)

- Descriptive Title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

☒ Drawing(s) (35 USC 113) [Total Sheets] **3**☒ Oath or Declaration [Total Pages] **3**a. ☐ Newly executed (original or copy)b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)

- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b)

☒ Application Data Sheet (37 C.F.R. 1.76)7. ☐ CD-ROM or CD-R in duplicate, large table or Computer  
Program (Appendix)8. ☒ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)a. ☐ Computer-Readable Form (CRF)

- b. ☒ Specification Sequence Listing on:
  - i. ☐ CD-ROM or CD-R (2 copies); or
  - ii. ☒ paper

c. ☒ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Certification Under 35 U.S.C. 122(b)(2)(B)(i)10. ☐ Assignment Papers (cover sheet & document(s))11. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)12. ☐ English Translation Document (if applicable)13. ☒ Preliminary Amendment Total Pages **10**14. ☒ Return Receipt Postcard15. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations16. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)17. ☒ Other: Certificate of Express Mail  
Check  
General Authorization

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment

☒ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP) of prior Application No.: 08/466,412 Filed June 6, 1995Prior application information: Examiner James MartinellGroup / Art Unit 1633☒ Incorporation By Reference (useable if box 5b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

## CORRESPONDENCE ADDRESS

Mark W. Roberts, Esq.  
Dorsey & Whitney LLP  
1420 Fifth Avenue, Suite 3400  
Seattle, Washington 98101-4010  
(206) 903-8800 phone  
(206) 903-8820 fax

Customer No. 27,076

TYPED or PRINTED NAME Mark W. Roberts, Ph.D.REGISTRATION NO. 46,160SIGNATURE Mark W. RobertsDate Oct 10, 2001

# FEE TRANSMITTAL SHEET (FOR FY 2001)

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Express Mail No.     | EL 872037917 US       |
| Filing Date          | Concurrently Herewith |
| First Named Inventor | Jerry S. Powell       |
| Group Art Unit       | Not Yet Assigned      |
| Examiner             | Not Yet Assigned      |
| Atty. Docket Number  | 500582.12             |

### METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No.: 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP

2. ☒ Check Enclosed

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity        |          | Small Entity |          | Fee Description                                        |               |
|---------------------|----------|--------------|----------|--------------------------------------------------------|---------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                                                        |               |
| 101                 | 740      | 201          | 370      | <input checked="" type="checkbox"/> Utility Filing Fee |               |
| 106                 | 330      | 206          | 165      | <input type="checkbox"/> Design Filing Fee             |               |
| 108                 | 740      | 208          | 370      | <input type="checkbox"/> Reissue Filing Fee            |               |
| 114                 | 160      | 214          | 80       | <input type="checkbox"/> Provisional Filing Fee        |               |
| <b>Subtotal (1)</b> |          |              |          |                                                        | <b>\$ 370</b> |

#### 2. EXTRA CLAIM FEES

| Current Claims            | Prior | Extra | Fee         | Fee Paid      |
|---------------------------|-------|-------|-------------|---------------|
| Total                     | 30    | - 20  | = 10 x \$ 9 | = \$ 90       |
| Ind.                      | 6     | - 3   | = 3 x \$ 42 | = \$ 126      |
| Multiple Dependent Claims |       |       | x \$        | = \$          |
| <b>Subtotal (2)</b>       |       |       |             | <b>\$ 216</b> |

| Large Entity |          | Small Entity |          | Fee Description                                         |  |
|--------------|----------|--------------|----------|---------------------------------------------------------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                                                         |  |
| 103          | 18       | 203          | 9        | Claims in excess of 20                                  |  |
| 102          | 84       | 202          | 42       | Independent claims in excess of 3                       |  |
| 104          | 280      | 204          | 140      | Multiple dependent Claim                                |  |
| 109          | 80       | 209          | 40       | Reissue independent claims over original patent         |  |
| 110          | 18       | 210          | 9        | Reissue claims in excess of 20 and over original patent |  |

### FEE CALCULATION (Continued)

#### 3. ADDITIONAL FEES

| Large Entity        |          | Small Entity |          | Fee Description                                                            | Fee paid      |
|---------------------|----------|--------------|----------|----------------------------------------------------------------------------|---------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                                                                            |               |
| 105                 | 130      | 205          | 65       | Surcharge - Late filing fee or oath                                        | \$            |
| 127                 | 50       | 227          | 25       | Surcharge - late provisional filing fee or cover sheet                     | \$            |
| 139                 | 130      | 139          | 130      | Non-English specification                                                  | \$            |
| 147                 | 2,520    | 147          | 2,520    | For Filing a Request for Reexamination                                     | \$            |
| 115                 | 110      | 215          | 55       | Extension for reply within first month                                     | \$            |
| 116                 | 400      | 216          | 200      | Extension for reply within 2 <sup>nd</sup> month                           | \$            |
| 117                 | 920      | 217          | 460      | Extension for reply within 3 <sup>rd</sup> month                           | \$ 460        |
| 118                 | 1,440    | 218          | 720      | Extension for reply within 4 <sup>th</sup> month                           | \$            |
| 128                 | 1,960    | 280          | 980      | Extension for reply within 5 <sup>th</sup> month                           | \$            |
| 120                 | 320      | 220          | 160      | Filing a brief in support of an appeal                                     | \$            |
| 121                 | 280      | 270          | 140      | Request for oral hearing                                                   | \$            |
| 148                 | 110      | 248          | 55       | Terminal Disclaimer Fee                                                    | \$            |
| 140                 | 110      | 240          | 55       | Petition to revive - unavoidable                                           | \$            |
| 141                 | 1,280    | 241          | 640      | Petition to revive - unintentional                                         | \$            |
| 142                 | 1,280    | 242          | 640      | Utility/Reissue issue fee (+ advance copies)                               | \$            |
| 143                 | 460      | 243          | 230      | Design issue fee (+ advance copies)                                        | \$            |
| 122                 | 130      | 122          | 130      | Petitions to the Commissioner                                              | \$            |
| 123                 | 50       | 123          | 50       | Petitions related to provisional applications                              | \$            |
| 126                 | 180      | 126          | 180      | Submission of IDS                                                          | \$            |
| 581                 | 40       | 81           | 40       | Recording each patent assignment per property (times number of properties) | \$            |
| 179                 | 740      | 279          | 370      | Request for Continued Examination (RCE)                                    | \$            |
| Other fee (specify) |          |              |          |                                                                            | \$            |
| <b>Subtotal (3)</b> |          |              |          |                                                                            | <b>\$ 460</b> |

**Total Amount of Payment: \$ 1,046**

### Submitted by:

Name: Mark W. Roberts, Ph.D.

Reg. No.: 46,160

Telephone: (206) 903-8728

Signature: *Mark W. Roberts*

Date: *Oct 10, 2001*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jerry S. Powell

Attorney Docket No.: 500582.12

Filed : October 10, 2001

Title : HUMAN ERYTHROPOIETIN GENE: HIGH LEVEL EXPRESSION IN STABLY  
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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

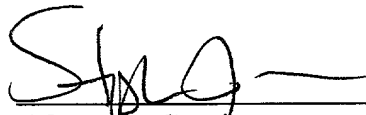
Box Patent Application  
Commissioner of Patents  
Washington, D.C. 20231

Sir:

I hereby certify that the enclosures listed below are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. EL872037917US, on October 10, 2001, addressed to Box Patent Application, Commissioner of Patents, Washington, DC 20231.

Respectfully submitted,

DORSEY & WHITNEY LLP



/ for West Courier

MWR:sj

Enclosures:

Postcard  
Check  
Form PTO/SB/05  
Application Data Sheet  
Fee Transmittal Sheet (+ copy)  
General Authorization  
Preliminary Amendment (and Petition for Extension of Time)  
and Sequence Listing on Paper and Diskette  
Copy of Specification, Claims, Abstract (14 pages)  
Copy of 3 Sheets of Drawings (Figures 1A-3)  
Copy of Declaration and Power of Attorney  
Copy of Revocation and Power of Attorney  
Declaration Verifying Sequence Listing